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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,721	02/25/2002	Dimitri Gorokhovik	PHFR 010019	8258
24737	7590	10/06/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CASCHERA, ANTONIO A	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2676	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/084,721	02/25/2002	Gorokhovik, Dimitri	PHFR 010019

EXAMINER

Antonio Caschera

ART UNIT	PAPER
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2676 20050926

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Commissioner for Patents

See Attached Office Action.

## DETAILED ACTION

### *Appeal Brief Defective*

1. The Appeal Brief filed on October 4, 2004 does not comply with the new rules under 37 CFR § 41.37 (c).

*37 CFR § 41.37 (c) states:*

*(c) (1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(I) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section...*

A review of the application reveals that the following sections are missing from the Appeal Brief filed October 4, 2004:

- (1) "Summary of claimed subject matter" as set forth in 37 CFR § 41.37 (c)(1)(v);
- (2) "Grounds of rejection to be reviewed on appeal" as set forth in 37 CFR § 41.37 (c)(1)(vi);
- (3) "Evidence appendix," as set forth in 37 CFR 41.37 (c)(1)(ix); and
- (4) "Related proceedings appendix," as set forth in 37 § CFR 41.37 (c)(1)(x).

It is required that a substitute Appeal Brief be submitted that is in compliance with 37 CFR § 41.37 (c). For more information on the Board's new rules, please see the web page entitled "More Information on the Rules of Practice Before the BPAI," Final Rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/frzoo4/moreinfo.html>

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

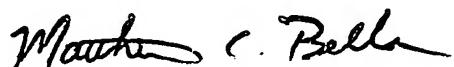
**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



aac

9/26/05

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600